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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,107	02/08/2001	Matthew J. Murnaghan	034300-140	2971

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EXAMINER

CRAVER, CHARLES R

ART UNIT PAPER NUMBER

2682

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,107

Applicant(s)

MURNAGHAN ET AL.

Examiner

Charles R. Craver

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins, US Pat 6,516,202 in view of Macor, US Pat 6,463,299, newly cited.

Claims 1, 24, 36: Hawkins discloses a wireless communication device which provides communication capability for a personal data assistant (300), the device comprising a housing (350) adapted to detachably mate with the personal data assistant, a modem within the housing where the modem is adapted to provide communication capability for the personal data assistant through an established communication link between the modem and the personal data assistant via an interface (col 2 line 48-col 3 line 22), and logic in the housing adapted to check for message notifications and provide them to the PDA unit (col 7 lines 29-35). Hawkins fails to disclose that the logic may check for messages independent of the established communication link or that such may occur while the PDA runs other software. However, Macor discloses the utility of providing a means for checking message notifications in an auxiliary device connected to a data processing device independent of the connection between them (col 3 lines 11-30, col 4 lines 45-60), note that the portable device has the ability to display such notifications without it being connected to

the computer unit. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Hawkins, as it would help inform the user of waiting messages, as suggested by Macor. Macor also discloses that the indicators are separate from the screen in the computer device, which would have motivated one of ordinary skill in the art to use separately from software running on the computer, that is, that the notification could occur while software was running on the computer, given that Macor discloses that the notification indicators are run by software subroutines. **Claim 2, 6-8, 19, 37:** Hawkins discloses an interface and circuitry (reads board) allowing a compact fit using a housing 350. **Claim 3:** Hawkins discloses email. **Claims 4, 39:** Hawkins discloses a PDA, which is a hand-held data organizer. **Claim 5:** Hawkins discloses a battery (col 4 lines 37-46). **Claims 9-13, 17, 41, 42:** Hawkins discloses a multi-purpose indicator light (col 3 lines 49-55), and discloses the utility of providing a number of indicators, such as battery charge (col 7 lines 28-35). One of ordinary skill in the art would have found it obvious to use such indicators to provide standard functions such as transmit/receive, connection and server data. **Claim 14:** while Hawkins in view of Macor fails to disclose CDPD, Hawkins discloses that the invention may operate on a number of different systems (col 2 lines 40-47), and as such the examiner takes Official Notice of CDPD, asserting that one of ordinary skill in the art would have found such a standard messaging system obvious. **Claims 15, 22, 40:** Hawkins discloses a microcontroller. **Claims 20, 21, 23, 43-45:** the use of an ASIC, FPGA or other programmable logic would have been an obvious substitute for the DSP and microcontroller of Hawkins. **Claims 25, 46:** Hawkins discloses a detachable

antenna 370. **Claim 38:** the invention of Hawkins in view of Macor would inherently provide the function of claim 38 in a situation where another application is in its idle state.

Claims 26, 31-33, 35: Hawkins discloses a wireless communication device which provides communication capability for a personal data assistant (300), the device comprising a housing (350) adapted to detachably mate with the personal data assistant, a modem within the housing where the modem is adapted to provide communication capability for the personal data assistant through an established communication link between the modem and the personal data assistant (col 2 line 48- col 3 line 22), and logic in the housing adapted to check for message notifications and provide them to the PDA unit (col 7 lines 29-35). Hawkins fails to disclose that the logic may check for messages independent of the established communication link or that such may occur while the PDA runs other software. However, Macor discloses the utility of providing a means for checking message notifications in an auxiliary device connected to a data processing device independent of the connection between them (col 3 lines 11-30, col 4 lines 45-60), note that the portable device has the ability to display such notifications without it being connected to the computer unit. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Hawkins, as it would help inform the user of waiting messages, as suggested by Macor. Macor also discloses that the indicators are separate from the screen in the computer device, which would have motivated one of ordinary skill in the art to use separately from software running on the computer, that is, that the notification

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could occur while software was running on the computer, given that Macor discloses that the notification indicators are run by software subroutines.

Lastly, Hawkins discloses a multi-purpose indicator light (col 3 lines 49-55), and discloses the utility of providing a number of indicators, such as battery charge (col 7 lines 28-35). One of ordinary skill in the art would have found it obvious to use such indicators like an LED to provide standard functions such as transmit/receive, connection and server data. **Claim 27-29:** Hawkins discloses an interface and circuitry (reads board) allowing a compact fit using a housing 350. **Claim 30:** Hawkins discloses a PDA, which is a hand-held data organizer. **Claim 34:** Hawkins discloses a detachable antenna 370.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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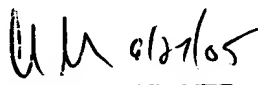
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Craver whose telephone number is 571-272-7849. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cc
June 27, 2005


CHARLES CRAVER
PRIMARY EXAMINER